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*NOT AN ACTIVE MEMBER OF THE DC BAR

December 16, 2003

Ms Marlene H Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
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RECEIVED

DEC 16 2003

OFFICE OF THE SECRETARY
FEDERAL COMMUNICATIONS COMMISSION

Re *Ex Parte*: Carriage of Digital Television Broadcast Signals,
CS Docket No. 98-120

Dear Ms Dortch

On December 15, 2003, Marc Apfelbaum, Executive Vice President and General Counsel, Time Warner Cable, Steven Teplitz, Vice President and Associate General Counsel, Time Warner Inc., and the undersigned, of Paul, Weiss, Rifkind, Wharton & Garrison LLP, met with Commissioner Copps and Jordan Goldstein, Senior Legal Advisor, to discuss issues relating to the digital must-carry proceeding. The specific topics of discussion were proposals under which, during the digital transition, broadcasters would be entitled to choose must-carry status for either their analog or their digital signal and proposals that would require cable operators to carry "multicast" signals.

We summarized Time Warner's views as detailed in filings submitted by Time Warner Cable on May 25, 2001, June 11, 2001, and August 16, 2001. In particular, these filings urge the Commission to reaffirm its conclusions that "primary video" includes only a single video stream and that digital signals are generally not entitled to must-carry status during the transition. We argued that, if the Commission were to consider altering these conclusions, resultant rules would be unconstitutional pursuant to the test set forth in *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622 (1994).

PAUL

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Pursuant to Section 11206(b) of the Commission's rules, two copies of this notice are being provided to you for inclusion in the public record in the above-captioned proceeding. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Henk Brands', with a long horizontal flourish extending to the right.

Henk Brands
Counsel for Time Warner Cable

cc Commissioner Copps
Jordan Goldstein